

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

GARRETT, Scott, M.
8000 West Sunrise Boulevard, Room 1610
Plantation, FL 33322
ETATS-UNIS D'AMERIQUE

Date of mailing (*day/month/year*)

22 March 2007 (22.03.2007)

Applicant's or agent's file reference

CE13719JDP

IMPORTANT NOTICE

International application No.

PCT/US2005/032278

International filing date (*day/month/year*)

08 September 2005 (08.09.2005)

Priority date (*day/month/year*)

10 September 2004 (10.09.2004)

Applicant

MOTOROLA, INC. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

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MOTOROLA LAW DEPARTMENT
PLANTATION, FLORIDA

The International Bureau of WIPO
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PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

| | | | |
|--|---|---|------------------|
| Applicant's or agent's file reference CE13719JDP | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/US2005/032278 | International filing date (<i>day/month/year</i>) 08 September 2005 (08.09.2005) | Priority date (<i>day/month/year</i>) 10 September 2004 (10.09.2004) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant MOTOROLA, INC. | | | |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

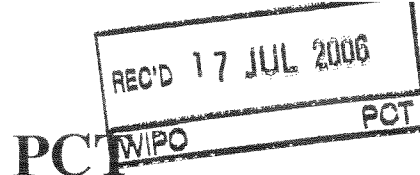
- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis*.2).

| | |
|---|--|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 | Date of issuance of this report 13 March 2007 (13.03.2007) |
| | Authorized officer Agnes Wittmann-Regis e-mail: pt06.pct@wipo.int |

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY



To:
SCOTT M. GARRETT
8000 WEST SUNRISE BOULEVARD, ROOM 1610
PLANTATION, FL 33322

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | |
|--|---|
| Date of mailing (day/month/year) 14 JUL 2006 | |
| Applicant's or agent's file reference CE13719JDP | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/US05/32278 | International filing date (day/month/year) 08 September 2005 (08.09.2005) |
| Priority date (day/month/year) 10 September 2004 (10.09.2004) | |
| International Patent Classification (IPC) or both national classification and IPC IPC: H04Q 7/00(2006.01);H04Q 7/20(2006.01) USPC: 370/310,328,329,389,466;709/238,230 | |
| Applicant MOTOROLA, INC. | |

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | | |
|--|---|--|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Date of completion of this opinion 15 May 2006 (15.05.2006) | Authorized officer Huy Vu Telephone No. (571) 272-3155 |
|--|---|--|

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/32278

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/32278

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1-10</u> | YES |
| | Claims <u>NONE</u> | NO |
| Inventive step (IS) | Claims <u>NONE</u> | YES |
| | Claims <u>1-10</u> | NO |
| Industrial applicability (IA) | Claims <u>1-10</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/32278

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-10 Hamada (U.S 2004/0166897) an inventive step under PCT Article 33(3) as being obvious Hamada (U.S 2004/0166897) over in view of Rune et al. (U.S.Patent No. 2004/0167988 A1).

In the claims, 1-6, Hamadata transmitting beacon signals at beacon intervals, each beacon containing a beacon information set (see page 2, [0029]);

However, Hamadata is silent to disclosing transmitting gratuitous probe response signal (supplementary beacons) at a gratuitous probe response interval containing a subset of the beacon information, the gratuitous probe response signals transmitted at a gratuitous probe response interval, the gratuitous probe response interval being shorter than the beacon interval such that a plurality of gratuitous probe response signals are transmitted between successive beacon signals, and containing a subset of the beacon information.

Rune et al. discloses transmitting gratuitous probe response signal (supplementary beacons) at a gratuitous probe response interval containing a subset of the beacon information, the gratuitous probe response signals transmitted at a gratuitous probe response interval, the gratuitous probe response interval being shorter than the beacon interval such that a plurality of gratuitous probe response signals are transmitted between successive beacon signals, and containing a subset of the beacon information (see page 18, [0184], page 20, [0207]).

Bothe Hamadata and Rune disclose Ethernet LAN. Rune recognizes transmitting gratuitous probe response signal (supplementary beacons) at a gratuitous probe response interval containing a subset of the beacon information, the gratuitous probe response signals transmitted at a gratuitous probe response interval, the gratuitous probe response interval being shorter than the beacon interval such that a plurality of gratuitous probe response signals are transmitted between successive beacon signals, and containing a subset of the beacon information. To modify the system of Hamada with the teaching of Rune to transmit gratuitous probe response signal (supplementary beacons) at a gratuitous probe response interval containing a subset of the beacon information, the gratuitous probe response signals transmitted at a gratuitous probe response interval, the gratuitous probe response interval being shorter than the beacon interval such that a plurality of gratuitous probe response signals are transmitted between successive beacon signals, and containing a subset of the beacon information would not involve an inventive step.

In the claims, 7-10, Hamadata transmitting beacon signals at beacon intervals, each beacon containing a beacon information set (see

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/32278

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

page 2, [0029]);

However, Hamadata is silent to disclosing transmitting gratuitous probe response signal (supplementary beacons) at a gratuitous probe response interval containing a subset of the beacon information, the gratuitous probe response signals transmitted at a gratuitous probe response interval, the gratuitous probe response interval being shorter than the beacon interval such that a plurality of gratuitous probe response signals are transmitted between successive beacon signals, and containing a subset of the beacon information.

Rune et al. discloses transmitting gratuitous probe response signal (supplementary beacons) at a gratuitous probe response interval containing a subset of the beacon information, the gratuitous probe response signals transmitted at a gratuitous probe response interval, the gratuitous probe response interval being shorter than the beacon interval such that a plurality of gratuitous probe response signals are transmitted between successive beacon signals, and containing a subset of the beacon information (see page 18, [0184], page 20, [0207]).

Both Hamadata and Rune disclose Ethernet LAN. Rune recognizes transmitting gratuitous probe response signal (supplementary beacons) at a gratuitous probe response interval containing a subset of the beacon information, the gratuitous probe response signals transmitted at a gratuitous probe response interval, the gratuitous probe response interval being shorter than the beacon interval such that a plurality of gratuitous probe response signals are transmitted between successive beacon signals, and containing a subset of the beacon information. To modify the system of Hamada with the teaching of Rune to transmit gratuitous probe response signal (supplementary beacons) at a gratuitous probe response interval containing a subset of the beacon information, the gratuitous probe response signals transmitted at a gratuitous probe response interval, the gratuitous probe response interval being shorter than the beacon interval such that a plurality of gratuitous probe response signals are transmitted between successive beacon signals, and containing a subset of the beacon information would not involve an inventive step.